

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE SUBOXONE) Case No. 1:24-md-3092
(BUPRENORPHINE/NALOXONE))
FILM PRODUCTS LIABILITY) MDL No. 3092
LITIGATION)
This Document Applies to All Cases) Judge J. Philip Calabrese
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)

ORDER TO SHOW CAUSE

On February 13, 2025, this Court entered Case Management Order No. 13—Collection of Records (ECF No. 194). Pursuant to Section IV.C. of that Order, upon receipt of an executed medical authorization and copy of the Order from requesting counsel, an Entity must produce such records to requesting counsel or its designee listed in the authorization within 30 days—which is more than two weeks *longer* than the time for compliance typically provided under Rule 45 of the Federal Rules of Civil Procedure. Further, pursuant to Section V of that Order, failure to comply with any of the terms of the Order will result in an Order to Show Cause why the Entity should not be held in contempt or subjected to sanctions under Rule 37(b)(2)(A) for failure to comply with a discovery order.

Since the entry of Case Management Order No. 13, certain Entities failed to comply with numerous requests for pharmacy records submitted by counsel in this litigation that were submitted in compliance with the Case Management Order No. 13. These Entities include Albertsons Companies, Bartell Drugs, Swedish Pain Services—First Hill, Boston Medical Center, Transitions Treatment Program, Butler

Hospital, Innovative Pain Solutions Center, Maryland Pain & Wellness Center, Riverside Treatment Services, Parkville Pharmacy, People's Care Pharmacy, Prentiss Primary Care, Scott A. Mayerberger, MD, PC, Midtown Pharmacy, Sage Dental of Lake Par, Care Resources, and AllCare Pharmacy. Specifically, they have failed to comply with the Court's Order by failing to provide pharmacy records within thirty (30) days to requesting counsel for the Plaintiffs listed on **Exhibit A** (attached to this Order to Show Cause), even though requesting counsel provided them with executed medical authorizations and copies of Case Management Order No. 13. Plaintiffs' Leadership Counsel ("PLC") has submitted to the Court this list of Plaintiff's for which these Entities have failed to provide such records after receiving executed medical authorizations and pharmacy requests from requesting counsel. *See Exhibit A.* The PLC has informed the Court of its attempts to obtain these records.

On July 31, 2025, the PLC moved for an Order to Show Cause. Upon consideration of that motion, and the record as a whole, and pursuant to the Court's authority to direct and control the coordinated discovery in this multi-district litigation under 28 U.S.C. § 1407, Rules 16, 26(b), and 45 of the Federal Rules of Civil Procedure, and the Court's inherent authority, the Court **ORDERS** these Entities to Show Cause why each should not be held in contempt or subjected to other or additional sanctions under Rule 37(b)(2)(A) for failure to comply with Case Management Order No. 13 by not providing pharmacy records within thirty (30) days to requesting counsel for the Plaintiffs listed on **Exhibit A.**

Further, the Court **SCHEDULES** a show-cause hearing for August 25, 2025 at 1:00 p.m. eastern in Courtroom 16B, 801 West Superior Avenue, Cleveland, Ohio and **ORDERS** the custodian or another representative of each Entity with knowledge of its responses to the requests for records relating to the Plaintiffs listed on Exhibit A to appear, to explain their failure to comply with Case Management Order No. 13, and to identify the steps being taken to provide the records requested.

The Court **ORDERS** requesting counsel to serve this Order to Show Cause on the representative(s) of each Entity with whom he or she has been dealing and to certify service. If the records are provided in advance of the date of the hearing, the Court will withdraw this Order to Show Cause.

SO ORDERED.

Dated: August 1, 2025



J. Philip Calabrese
United States District Judge
Northern District of Ohio